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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 002470

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SUBJECT: TURKEY'S OCTOBER 21 CONSTITUTIONAL AMENDMENT
REFERENDUM MUDDIES THE PRESIDENTIAL WATERS

REF: ANKARA 2414

Classified By: Political Counselor Janice Weiner for reasons 1.4(b),(d)

[1](#)1. (C) Summary. Turks go to the polls again October 21 to vote on a constitutional amendment package primarily aimed at allowing Turkey's president to be elected directly by the people rather than parliament. The package, which parliament approved in June over former President Sezer's veto, was a tactic to overcome opposition efforts to thwart the Justice and Development Party's (AKP) plan to elect Abdullah Gul as Turkey's 11th president. While the subsequent general election returned AKP to power and brought Gul to the presidency, the amendment package rolled on toward its referendum date. AKP opponents see the vote as another opportunity to undermine AKP and Gul, and are stirring up confusion over what the measure's approval will mean for Gul's presidency. AKP leaders will likely find a work-around, but their failure to resolve the issue sooner opens the way for continued political uncertainty and tension. End summary.

[1](#)2. (C) When they head to the polls on October 21, voters are expected to approve a constitutional amendment package that would authorize direct presidential elections, allow their president to serve two terms, cut the president's term from seven to five years and parliament's term from five to four years, and clarify quorum requirements. In the spring, with Gul's presidential candidacy under attack, AKP pushed the package through in June, overcoming former President Sezer's veto and forcing him to submit the measure to a referendum.

[1](#)3. (C) The package includes the specific language that "Turkey's 11th president shall be elected by the people", a provision AKP is now tripping over following Gul's recent election by parliament as 11th president. AKP leaders failed to remedy the situation before the referendum process began and are now treating the language as a technicality with no impact on Gul's current seven year term. They contend the change, if passed, will apply to Gul's successor. Opponents claim Gul will need to seek re-election through a direct vote or risk tainting his right to the office. Efforts to amend the problematic language now, after voting has begun at border polling stations, run the risk of invalidating referendum results.

[1](#)4. (C) National Action Party (MHP) MP Faruk Bal blames AKP "incompetence" for turning the referendum into a "chaotic situation". AKP prepared the amendment package without consulting other parties or building consensus, essentially

imposing the changes, he charged. Bal maintains the reference to electing the "11th" president cannot be corrected procedurally, an approach some advocate. "This dispute will be debated extensively," he said, predicting Gul's presidency will be irreparably weakened. Republican People's Party (CHP) leader Deniz Baykal called for the reference to the 11th president to be revised before the referendum to avoid a crisis developing. Baykal, uncharacteristically, pledged CHP support to AKP to "correct the mistake". Democratic Left Party (DSP) leader Zeki Sezer said the 11th president will be elected by the people if the referendum is approved, adding that DSP will nominate a candidate to run in the direct elections that will follow.

15. (C) Burhan Kuzu, AKP Chair of parliament's Constitutional Committee, explained that AKP had tried to smooth this wrinkle by pulling the referendum date forward to coincide with the July 22 general election. The effort failed, leaving AKP "stuck" with a post-election referendum date. "Parliament's first duty after the elections was to elect the president, so we went ahead and elected Gul," Kuzu said, rather than waiting until after the referendum. Kuzu views the reference to the 11th president as part of a "provisional article" that can now be ignored because its goal was achieved by Gul's election. He stated firmly that there won't be a new presidential election after the October 21 vote. Even if the Supreme Election Board (SEB) decides otherwise, Gul is ready to stand again, he added. "The 12th president will be elected by the people," he stated. The SEB has said it will make a ruling based on the referendum results; some commentators are speculating that AKP is relying on the SEB to settle the issue following the vote. CHP's Baykal has already challenged the SEB's authority to

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make such a decision.

16. (C) Adding to the confusion is AKP's current effort to more comprehensively overhaul Turkey's constitution (reftel), a project initiated after AKP's unexpectedly strong showing in the July election. Ergun Ozbudun, principal drafter of the proposal now awaiting PM Erdogan's approval, said the October 21 referendum won't interfere with the broader amendment project. "If there had been time, AKP might have called it off," Ozbudun commented, "but we drafted the proposal to be consistent with the referendum's expected outcome." Ozbudun, who prefers a parliamentary system over a presidential system for Turkey, said his drafting committee allowed for popular presidential elections but reduced the president to a largely symbolic figure -- a concept AKPers have previewed with us for months. The draft redistributes the president's powers to the prime minister, the judiciary and other executive bodies. Kuzu separately acknowledged a redundancy; if the broader constitutional reform is submitted to referendum, the same amendments will be approved for a second time.

17. (U) AKP launched its lobbying effort this week, with PM Erdogan urging Turks to vote "yes" on October 21 - a vote he maintains will not affect President Gul's status or term. "With these changes, the public will elect the 12th president and future presidents," Erdogan told the press. Parliament announced an 18-day recess starting October 4 to allow MPs to meet with constituents about the amendments. An official campaign period will run from October 14 until 6 pm on October 20, including speeches by President Gul and party leaders on public television.

18. (C) Comment. AKP's opponents have seized on this glitch as another opportunity to try to undermine Gul and Erdogan. Even within AKP there is confusion about whether Gul's term will be five or seven years, whether he can run for a second term and whether a direct election should be held this year, assuming the referendum is approved. After Turkey's through-the-looking-glass summer, another presidential election -- this time by the people -- cannot be ruled out.

AKP may ultimately deflect such tactical parries, but the heated debates over the broader constitutional reform proposal and the referendum's impact on Gul's mandate are stoking the tension and uncertainty most Turks are anxious to put behind them. End comment.

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